

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the Code of Ordinances City of Lowell, Massachusetts, with respect to Chapter 9, entitled "Boards, Commissions and Committees".

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

"The Code of Ordinances City of Lowell, Massachusetts" hereinafter called the "Code", adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter 9 thereof, entitled "Boards, Commissions and Committees", by adding a new Article XIV entitled Community Preservation Committee as follows:

ARTICLE XIV.  
Community Preservation Committee

**§ 9-46. Definitions**

As used in this ordinance, the following terms shall have the following meanings indicated:

**COMMUNITY HOUSING**

Also termed affordable housing, low- and moderate-income housing for individuals and families, including low- and moderate-income senior housing.

**COMMUNITY PRESERVATION**

The acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation and restoration of historic resources; the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; the acquisition, creation, preservation and support of community housing; and the rehabilitation or restoration of open space and/or community housing acquired or created pursuant to M.G.L. c. 44B.

## **HISTORIC RESOURCES**

A building, structure, vessel, real property, document or artifact that is listed on the Federal or State Register of Historic Places or Sites or has been determined by the local historic board to be significant in the history, archeology, architecture or culture of the City of Lowell.

## **OPEN SPACE**

Shall include, but not be limited to, land to protect existing and future watershed lands, well fields, aquifers and recharge areas, agricultural lands, grasslands, fields, forest land, fresh and salt water marshes, and other wetlands; ocean, river, stream, lake, and pond frontage; beaches, dunes and other coastal lands; lands to protect scenic vistas; land for wildlife or natural preserves; and land for recreational use.

### **§ 9-47. Establishment. Number of members.**

There is hereby established, pursuant to M.G.L. c. 44B § 1 et seq., a Community Preservation Committee, consisting of nine (9) voting members.

### **§ 9-48 Membership.**

The Committee shall be composed of:

- (a) One member of the Lowell Conservation Commission as designated by said commission;
- (b) One member of the Lowell Historic Board, as established by Chapter 566 of the Acts of 1983, as designated by said board;
- (c) One member of the Lowell Planning Board as designated by said board;
- (d) One member of the Lowell Board of Parks as designated by said commission;
- (e) One member of the Lowell Housing Authority as designated by said authority;
- (f) Two citizens appointed by the City Manager to be approved by the Council;
- (g) The Director of the Department of Planning and Development or his/her designee; and
- (h) The Director of the Division of Development Services or his/her designee.

### **§ 9-49 Term of office. Officers. Voting.**

- (a) When a committee is first established, the terms of the members shall be for one, two or three years as determined by the City Manager and so arranged that the terms of 1/3 of the members shall expire each year. Successors shall be appointed for three year terms. In the event a vacancy occurs as to a committee position, the respective board,

commission, City Manager, authority or director shall fill the vacancy for the remainder of the unexpired term.

- (b) The Committee shall annually elect one of its members as Chairperson and one as Vice-Chairperson to serve in the absence of the Chair.
- (c) Five (5) members shall constitute a quorum for the purposes of convening a meeting and conducting the business of the Committee. Committee actions shall be approved by a majority vote.
- (d) The Committee shall meet at least six (6) times per annum.

**§ 9-50 Powers and duties.**

- (a) The Committee shall study the needs, possibilities and resources of the City of Lowell regarding community preservation. The Committee shall consult with municipal boards, authorities, commissions, the City Manager, the Mayor and City Council and other City agencies and personnel in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings annually on the needs, possibilities, and resources of the City regarding community preservation. Notice of such hearings shall be posted publicly and published for each of two (2) weeks preceding a hearing in a newspaper of general circulation in the City.
- (b) The Committee shall review and recommend proposals to the City Manager, to be conveyed to the Mayor and City Council, for approval and appropriations, which recommendations may be for, but not limited to:
  - (1) Acquisition, creation and preservation of open space and/or rehabilitation or restoration of open space;
  - (2) Acquisition, creation, rehabilitation, restoration and preservation of land for recreational use;
  - (3) Acquisition, preservation, rehabilitation and restoration of historic resources;
  - (4) Acquisition, creation, preservation, and support for community housing or the rehabilitation or restoration of community housing acquired or created pursuant hereto; and
  - (5) With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or the construction of new buildings on previously developed sites.
- (c) The Committee shall submit its budget to the City Manager, to be transmitted to the City Council, which may approve or veto appropriations made pursuant to M.G.L. c. 44B. After receiving recommendations from the Committee, the City Council shall approve

appropriations from the Community Preservation Fund and additional non-Community Preservation Fund appropriations as it deems necessary. The budget may include recommendations to set aside for later spending funds for specific purposes but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

- (d) Annual appropriations for administrative and operating expenses of the Committee may not exceed 5% of the years' estimated annual Community Preservation Fund resources.
- (e) By June 1 of each year, the Committee shall provide all anticipated community preservation projects and funding sources for the upcoming fiscal year.
- (f) The Committee shall keep a full and accurate account of all its actions, including its recommendations and actions taken by the City Council as to those recommendations. The Committee shall also keep records of all appropriations and expenditures made from the community Preservation Fund. Records shall also be kept by the committee of any real property interests acquired or improved pursuant to the Committee's recommendations, including the names of grantors and grantees and the consideration paid.

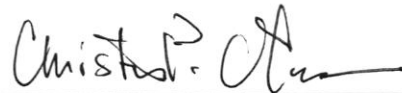
#### **§ 9-51 Applicability.**

The provisions of this ordinance shall be interpreted and applied consistently with the provisions of M.G.L. c. 44B and all provisions of any relevant general or special act.

All provisions of the Code of the City of Lowell, as amended, which are consistent with this Ordinance shall continue in effect but all provisions of said Code inconsistent herewith are repealed.

This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of the General Laws of the Commonwealth of Massachusetts, as amended.

APPROVED AS TO FORM:



Christine P. O'Connor  
City Solicitor

Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 1

§ 1. Title

Effective: December 13, 2000

[Currentness](#)

This chapter shall be known and may be cited as the Massachusetts Community Preservation Act.

**Credits**

Added by [St.2000, c. 267, § 1.](#)

M.G.L.A. 44B § 1, MA ST 44B § 1


Current through Chapter 134 of the 2019 1st Annual Session

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M.G.L.A. 44B § 2

§ 2. Definitions

Effective: July 1, 2012

[Currentness](#)

As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:--

“Acquire”, obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. “Acquire” shall not include a taking by eminent domain, except as provided in this chapter.

“Annual income”, a family's or person's gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

“Capital improvement”, reconstruction or alteration of real property that: (1) materially adds to the value of the real property or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; and (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time.

“Community housing”, low and moderate income housing for individuals and families, including low or moderate income senior housing.

“Community preservation”, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic resources and the creation and preservation of community housing.

“Community preservation committee”, the committee established by the legislative body of a city or town to make recommendations for community preservation, as provided in [section 5](#).

“Community Preservation Fund”, the municipal fund established under [section 7](#).

“CP”, community preservation.

“Historic resources”, a building, structure, vessel real property, document or artifact that is listed on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

“Legislative body”, the agency of municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan orders, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.



“Low income housing”, housing for those persons and families whose annual income is less than 80 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

“Low or moderate income senior housing”, housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

“Maintenance”, incidental repairs which neither materially add to the value of the property nor appreciably prolong the property's life, but keep the property in a condition of fitness, efficiency or readiness.

“Moderate income housing”, housing for those persons and families whose annual income is less than 100 per cent of the areawide median income. The areawide median income shall be the areawide median income as determined by the United States Department of Housing and Urban Development.

“Open space”, shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

“Preservation”, protection of personal or real property from injury, harm or destruction.

“Real property”, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

“Real property interest”, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

“Recreational use”, active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. “Recreational use” shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

“Rehabilitation”, capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; provided, that with respect to historic resources, “rehabilitation” shall comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; and provided further, that with respect to land for recreational use, “rehabilitation” shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

“Support of community housing”, shall include, but not be limited to, programs that provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing or to an entity that owns, operates or manages such housing, for the purpose of making housing affordable.

**Credits**

Added by St.2000, c. 267, § 1. Amended by St.2002, c. 165, §§ 1 to 3; St.2006, c. 38, eff. June 13, 2006; St.2012, c. 139, §§ 69 to 73, eff. July 1, 2012.

M.G.L.A. 44B § 2, MA ST 44B § 2

Current through Chapter 134 of the 2019 1st Annual Session

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Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 3

§ 3. Acceptance of Secs. 3 to 7

Effective: November 7, 2016

[Currentness](#)

(a) Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding the provisions of chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

(b ½ ) Notwithstanding chapter 59 or any other general or special law to the contrary, as an alternative to subsection (b), the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not less than 1 per cent of the real estate tax levy against real property and making an additional commitment of funds by dedicating revenue not greater than 2 per cent of the real estate tax levy against real property; provided, however, that additional funds so committed shall come from other sources of municipal revenue including, but not limited to, hotel excises pursuant to chapter 64G, linkage fees and inclusionary zoning payments, however authorized, the sale of municipal property pursuant to [section 3 of chapter 40](#), parking fines and surcharges pursuant to [sections 20, 20A and 20A ½ of chapter 90](#), existing dedicated housing, open space and historic preservation funds, however authorized, and gifts received from private sources for community preservation purposes; and provided further, that additional funds so committed shall not include any federal or state funds. The total funds committed to purposes authorized under this chapter by means of this subsection shall not exceed 3 per cent of the real estate tax levy against real property, less exemptions, adopted. In the event that the municipality shall no longer dedicate all or part of the additional funds to community preservation, the surcharge of not less than 1 per cent shall remain in effect, but may be reduced pursuant to [section 16](#).

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. The surcharge to be paid by a taxpayer receiving an exemption or abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such exemption or abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The legislative body may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates;

(3) for \$100,000 of the value of each taxable parcel of residential real property; or

(4) for \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said chapter 59.

A person claiming an exemption provided under this subsection may apply to the board of assessors, in writing, on a form approved by the commissioner of revenue, on or before the deadline for an application for exemption under [section 59 of chapter 59](#). Any person aggrieved by the decision of the assessors, or by their failure to act, upon such application, may appeal as provided in [sections 64 to 65B, inclusive, of chapter 59](#). Applications for exemption under this chapter shall be open for inspection only as provided in [section 60 of chapter 59](#).

(f) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question:

“Shall this (city or town) accept sections 3 to 7, [inclusive of chapter 44B of the General Laws](#), as approved by its legislative body, a summary of which appears below”

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(g) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

(h) If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

(i) With respect to real property owned by a cooperative corporation, as defined in [section 4 of chapter 157B](#), that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that



member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this clause are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

**Credits**

Added by St.2000, c. 267, § 1. Amended by St.2006, c. 393, eff. Mar. 22, 2007; St.2012, c. 139, §§ 74, 75, eff. July 1, 2012; St.2014, c. 503, § 1, eff. Jan. 1, 2015; St.2016, c. 218, § 100, eff. Nov. 7, 2016.

M.G.L.A. 44B § 3, MA ST 44B § 3

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M.G.L.A. 44B § 4

§ 4. Surcharge on real property; collection

Effective: December 13, 2000

[Currentness](#)

(a) Upon acceptance of [sections 3 to 7](#), inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

**Credits**

Added by [St.2000, c. 267, § 1](#).


M.G.L.A. 44B § 4, MA ST 44B § 4

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M.G.L.A. 44B § 5

§ 5. Community preservation committee; members; recommendations

Effective: February 15, 2013

Currentness

(a) A city or town that accepts [sections 3 to 7](#), inclusive, shall establish by ordinance or by-law a community preservation committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under [section 8C of chapter 40](#) as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under [section 81A of chapter 41](#) as designated by the board, one member of the board of park commissioners established under [section 2 of chapter 45](#) as designated by the board and one member of the housing authority established under [section 3 of chapter 121B](#) as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

(b)(1) The community preservation committee shall study the needs, possibilities and resources of the city or town regarding community preservation, including the consideration of regional projects for community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

(2) The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in this section; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the community preservation committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited; provided, however, that any project approved by a municipality for the acquisition of artificial turf for athletic fields prior to July 1, 2012 shall be a permitted use of community preservation funding.



(3) The community preservation committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

(c) The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the legislative body shall include their anticipated costs.

(d) After receiving recommendations from the community preservation committee, the legislative body shall take such action and approve such appropriations from the Community Preservation Fund as set forth in [section 7](#), and such additional non-Community Preservation Fund appropriations as it deems appropriate to carry out the recommendations of the community preservation committee. In the case of a city, the ordinance shall provide for the mechanisms under which the legislative body may approve or veto appropriations made pursuant to this chapter, in accordance with the city charter.

(e) For the purposes of community preservation and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

(f) [Section 16 of chapter 30B](#) shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee and, notwithstanding [section 14 of chapter 40](#), for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.

A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund.

#### Credits


Added by St.2000, c. 267, § 1. Amended by St.2002, c. 165, § 4; St.2003, c. 46, § 38, eff. July 31, 2003; St.2004, c. 491, § 2, eff. April 7, 2005; St.2006, c. 289, eff. Dec. 5, 2006; St.2012, c. 139, §§ 76 to 78, eff. July 1, 2012; St.2013, c. 3, § 5, eff. Feb. 15, 2013.

#### Notes of Decisions (3)

M.G.L.A. 44B § 5, MA ST 44B § 5

Current through Chapter 134 of the 2019 1st Annual Session



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Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 6

§ 6. Annual revenues; open space, historic resources and community housing

Effective: July 1, 2012

[Currentness](#)

In each fiscal year and upon the recommendation of the community preservation committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual revenues for community housing. In each fiscal year, the legislative body shall make appropriations from the Community Preservation Fund as it deems necessary for the administrative and operating expenses of the community preservation committee and such appropriations shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund. The legislative body may also make appropriations from the Community Preservation Fund as it deems necessary for costs associated with tax billing software and outside vendors necessary to integrate such software for the first year that a city or town implements the this chapter; provided, however, that the total of any administrative and operating expenses of the community preservation committee and the first year implementation expenses shall not exceed 5 per cent of the annual revenues in the Community Preservation Fund.


Funds that are set aside shall be held in the Community Preservation Fund and spent in that year or later years; provided, however, that funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town. The community preservation funds shall not replace existing operating funds, only augment them.

**Credits**

Added by [St.2000, c. 267, § 1](#). Amended by [St.2012, c. 139, § 79](#), eff. July 1, 2012.

M.G.L.A. 44B § 6, MA ST 44B § 6

Current through Chapter 134 of the 2019 1st Annual Session

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Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) Title VII. Cities, Towns and Districts (Ch. 39-49a) Chapter 44B. Community Preservation (Refs & Annos)

M.G.L.A. 44B § 7

§ 7. Community preservation fund

Effective: July 1, 2012

Currentness

Notwithstanding the provisions of [section 53 of chapter 44](#) or any other general or special law to the contrary, a city or town that accepts [sections 3](#) to 7, inclusive, shall establish a separate account to be known as the Community Preservation Fund of which the municipal treasurer shall be the custodian. The authority to approve expenditures from the fund shall be limited to the legislative body and the municipal treasurer shall pay such expenses in accordance with chapter 41.

The following monies shall be deposited in the fund: (i) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to [sections 4](#) and [11](#); (ii) additional funds appropriated or dedicated from allowable municipal sources pursuant to subsection (b ½ ) of [section 3](#), if applicable; (iii) all funds received from the commonwealth or any other source for such purposes; and (iv) proceeds from the disposal of real property acquired with funds from the Community Preservation Fund. The treasurer may deposit or invest the proceeds of the fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks, or may invest the proceeds in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by [section 54 of chapter 44](#), and any income therefrom shall be credited to the fund. The expenditure of revenues from the fund shall be limited to implementing the recommendations of the community preservation committee and providing administrative and operating expenses to the committee.

**Credits**

Added by [St.2000, c. 267, § 1](#). Amended by [St.2012, c. 139, § 80](#), eff. July 1, 2012.

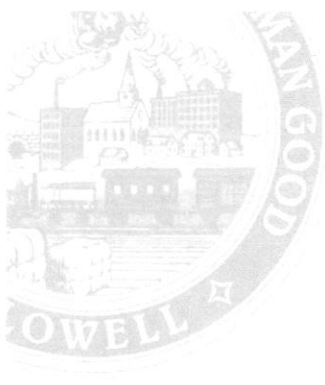
M.G.L.A. 44B § 7, MA ST 44B § 7

Current through Chapter 134 of the 2019 1st Annual Session

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## City of Lowell - Law Department

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January 23, 2020

City Manager Eileen M. Donoghue  
Mayor John J. Leahy  
And  
Members of the City Council

Re: Creation of Community Preservation Committee

Dear Manager Donoghue, Mayor Leahy and Members of the City Council:

As a result of the Council's approval and the passage of a ballot question in the November 2019 elections, the Massachusetts Community Preservation Act is now in effect in the City of Lowell. The applicable statutory provisions related to the formation of a Community Preservation Committee and the use of funds for community preservation activities are enclosed and marked "A".

The proposed ordinance sets out the framework for establishing the Community Preservation Committee and outlines the Committee's powers and duties.

If you have any further questions please feel free to email or call me.

Best regards,

Christine P. O'Connor  
City Solicitor

Enc.

cc: Eric Slagle, Director Development Services